IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1669 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE D.A.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MITTHIBEN DHULABHAI

Versus

SPECIAL LAND ACQUISITION OFFICER

Appearance:

1. Special Civil Application No. 1669 of 2003
MR GM AMIN for Petitioner No. 1-1/1
MR AJ DESAI Ld. AGP BY DS for Respondent No. 1-2

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE D.A.MEHTA

Date of decision: 13/03/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE N.G.NANDI)

1. By this petition under Article 226 of the Constitution of India, the petitioner has been praying for a direction to the respondent no.1 to decide the application filed by the petitioner under Section 28 A of the Land Acquisition Act at Annexure-B, with a further direction to the respondent to decare the award under Section 28 A of the Act, and to disburse the amount of compensation to the petitioner with running interest.

2. It has been the say of the petitioner that the petitioner is the co-owner and occupier of the land bearing Survey No.219, situated in the sim of village Bahiyal, Taluka - Dehgam, District - Gandhinaga; that the petitioner's land was acquired for the purpose of Narmada Main Canal. Respondent no.1 declared award on 21.7.1994 under Section 11 of the Act by Award No.36 of 1991. Some of the claimants had made application under Section 18 of the Act to the Reference Court. The Reference Court delivered the judgement on 20.9.2002 and in the said judgement, the Reference Court enhanced the amount of compensation. That the petitioner filed application under Section 28 A of the Act on 21.9.2002. Said application is pending since long and the same is not being decided by the respondent no.1.

3. It is stated by Mr. A.J. Desai, learned AGP for the respondents that the application under Section 28 A of the Act so far is not decided by the concerned Special Land Acquisition Officer, and that the same will be decided within the time that may be fixed by this Court, as the respondent - Government has now decided to accept the award on the basis of which the application under Section 28 A of the Act has been filed by the petitioner.

4. In view of the above statement made by learned AGP for the respondents, respondent no.1 is directed to decide the application dated 21.9.2002 (Annexure-B) filed under Section 28 A of the Act, within 8 weeks from the date of receipt of writ of this order or within 8 weeks of production of certified copy of this order.

5. Petition is allowed accordingly. Rule made absolute. No order as to costs.

Date13/3/2003. (N.G. Nandi,J.)

(D.A. Mehta,J.)

/vgn.